

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/8/2022

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MARK METZLER, individually and on behalf of :
all others similarly situated, :
Plaintiff, :
-against- :
PURE ENERGY USA LLC, :
Defendant. :
-----X

21-CV-9798 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on January 21, 2022, the Court ordered that Defendant must answer or otherwise respond to Plaintiff's complaint by February 2, 2022, *see* Dkt. 18;

WHEREAS the Court further ordered that, if Defendant moves to dismiss, Plaintiff must either amend his complaint or respond to Defendant's motion by March 2, 2022, *see id.*;

WHEREAS on February 2, 2022, Defendant filed a motion to dismiss, *see* Dkt. 20; and

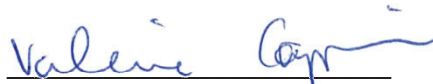
WHEREAS on February 7, 2022, Plaintiff filed an Amended Complaint, *see* Dkt. 23;

IT IS HEREBY ORDERED that Defendant's motion to dismiss is DENIED as moot. Defendant must, not later than **March 8, 2022**, either file an answer to the Amended Complaint or move to dismiss the Amended Complaint.

The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 20.

SO ORDERED.

Date: February 8, 2022
New York, New York


VALERIE CAPRONI
United States District Judge